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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,993	03/31/2004	Hideki Kuwajima	43890-672	6416

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EXAMINER	
MAGEE, CHRISTOPHER R	
ART UNIT	PAPER NUMBER
2627	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/812,993	KUWAJIMA, HIDEKI	
	Examiner	Art Unit	
	Christopher R. Magee	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamura et al. (hereinafter Yamamura) (JP 09-204766) in view of Ohnishi et al. (hereinafter Ohnishi) (US 6,751,092 B1).

- Regarding claims 1, 5, 6, 8, 12, 13 and 20, Yamamura discloses a shock-absorbing member 21 disposed on a main body of electronic equipment (i.e., disk drive) [Fig. 8] and comprising a shock-absorbing flexible part [shown but not numbered].

Yamamura does not teach the shock-absorbing member comprising shock absorbing base part along with a shock-absorbing flexible part, wherein the shock-absorbing base part has a thickness smaller than that of the shock-absorbing flexible part, and the shock-absorbing base part buckles so as to absorb a shock when receiving an impact.

In the same field of endeavor, Ohnishi discloses a shock-absorbing member disposed on a main body of electronic equipment (i.e. disk drive) [col. 15, lines 43-49], and comprising a shock absorbing base part 432 and a shock-absorbing flexible part 431, wherein the shock-absorbing base part has a thickness smaller than that of the shock-absorbing flexible part, and the shock-absorbing base part buckles (i.e., deforms in a horizontal direction, which results in the shock

absorbing base part to buckle) so as to absorb a shock when receiving an impact [Figure 9; col. 6, lines 64-67 and col. 15, lines 50-60].

- Regarding claims 2, 9, 21, 22 and 24-26, Ohnishi discloses the shock absorbing base part forms a bending part which is vertical to the shock direction, and starts buckling at the bending part of the shock-absorbing base [Figure 9].

- Regarding claims 3 and 10, Ohnishi shows the shock-absorbing base part and the shock-absorbing flexible part are disposed so that their long sides are substantially in parallel with a direction of an impact force [Figure 9].

- Regarding claims 4 and 11, Ohnishi shows the shock-absorbing base part and the shock-absorbing flexible part are integrally molded forming a unit [Figure 9].

- Regarding claims 7 and 14, Ohnishi discloses the shock-absorbing base part has a hardness higher than that of the shock-absorbing flexible part [col. 14, lines 56-61].

- Regarding claim 15, Ohnishi shows at least 3 pieces of the shock absorbing member are disposed between a plane of a main body of the device and a plane of an outside constituent member facing the device [Figure 2].

- Regarding claims 16 and 23, Ohnishi shows wherein the shock-absorbing members are disposed between a plane of main body of the device and a plane of an outside constituent member facing the device,

wherein an angle the planes are vertically making to a joint plane between the shock-absorbing base part and the shock-absorbing flexible part of an adjacent shock absorbing member is 60° at least and 120° at most [Figure 2].

- Regarding claim 17, Ohnishi discloses the shock-absorbing member is affixed to one of an outside face of the main body of the device and an inside face of the outer case [col. 13, lines 16-29].

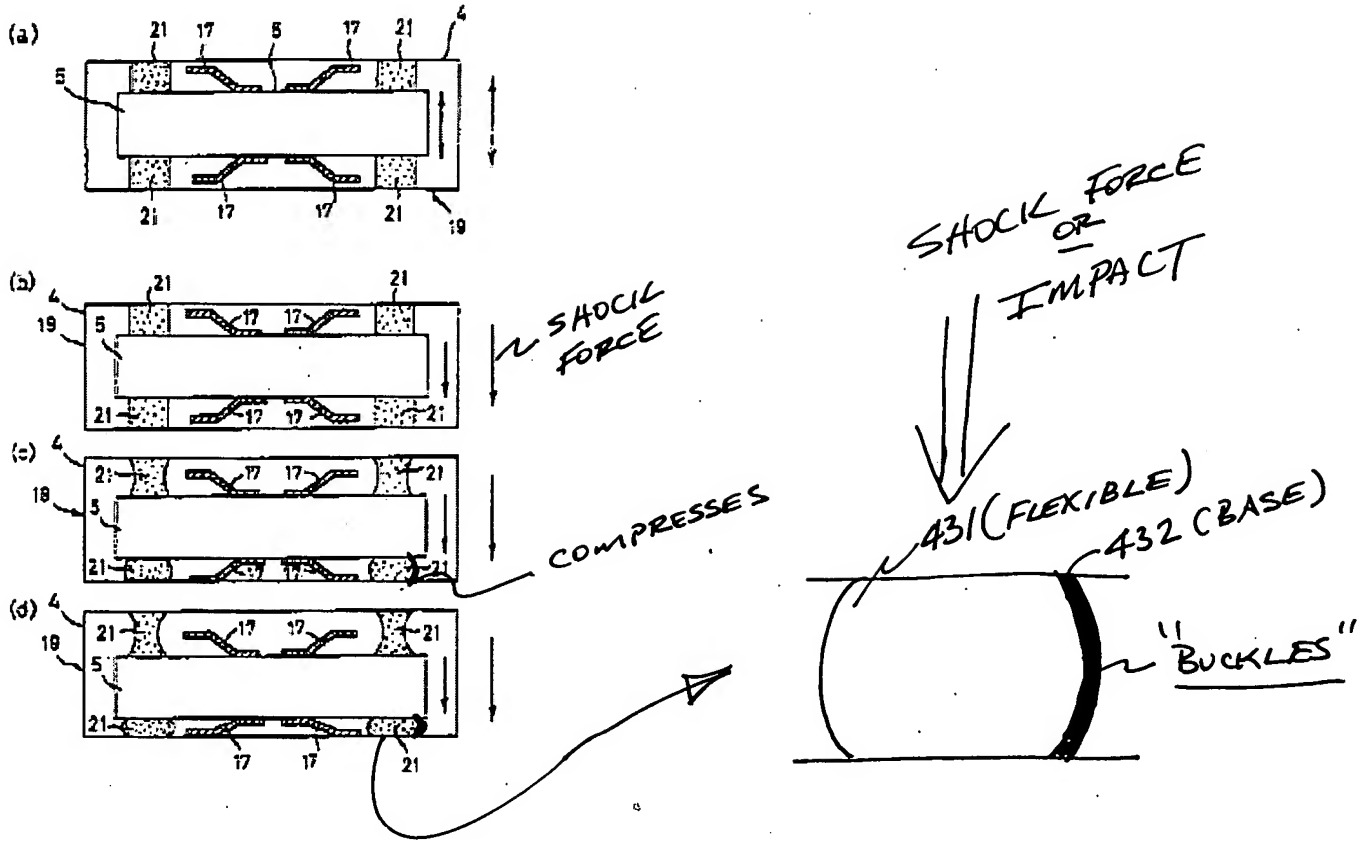
- Regarding claims 18 and 19, Ohnishi discloses the shock-absorbing member is in one of shapes of cuboid, cylinder, half-cylinder, oval-cylinder, half-oval cylinder, and polygonal prism, wherein a face of the shock-absorbing member having the shock-absorbing base part is in parallel with the joint plane between the shock-absorbing base part and the shock-absorbing flexible part [col. 15, line 61 to col. 16, line 2].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the shock-absorbing member of Yamamura with a shock-absorbing member disposed on a main body of electronic equipment comprising a shock absorbing base part and a shock-absorbing flexible part as taught by Ohnishi.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide the shock-absorbing member of Yamamura with a shock-absorbing member disposed on a main body of electronic equipment comprising a shock absorbing base part and a shock-absorbing flexible part as taught by Ohnishi in order to improve the shock resistance with respect to various kinds of shocks ranging from weak to strong shocks [*Ohnishi*; col. 5, lines 29-32].

When subjected to compressive loading, i.e., shock/impact, the shock absorbing member of Yamamura and Ohnishi will absorb a shock when receiving an impact and the shock-absorbing base part will buckle [see annotated Fig. 8].

【図8】



Response to Arguments

2. Applicant's arguments filed 4/06/07 have been fully considered but they are not persuasive. The Applicant asserts on page 3:

> *"The rejection alleges that Fig. 9 of Ohnishi discloses a buckling at the bending part of the shock absorbing base. However, Fig. 9 shows no bending, buckling, compression, or any other type of deformation of the base part at all. Nor does any other figure shown in Ohnishi. Furthermore, the passages in col. 6, lines 64-67 and col. 15, lines 50-60 of Ohnishi are alleged to disclose buckling of the shock-absorbing member. For example, it is alleged that col. 6, lines 64-67 teaches this buckling by interpreting the horizontal deformation of the shock absorbing part as buckling. However, the passage in col. 6 merely recites that the "shock absorbing members 3 would be deformed in a horizontal direction due to*

the friction and the.., shock absorbing effect would be reduced". As is clearly shown, this passage says nothing about buckling of the shock-absorbing member due to shock absorption. However, even if one were to interpret deformation in the horizontal direction due to friction as buckling due to shock-absorption, then it is clear that Ohnishi teaches against a shock absorbing base part buckling so as to absorb a shock, because the passage states that horizontal deformation reduces the shock absorbing effect.

Furthermore, with regard to the passage in col. 15 of Ohnishi, it is unclear how this passage relates to buckling of a shock-absorbing part. The passage appears to discuss the materials and thicknesses of the parts, not how the parts deform upon receiving shock. In fact, it appears that nowhere in Ohnishi does it disclose buckling of the base part. As such, Applicant submits that both Ohnishi and Yamamura fail to disclose the above cited limitation of claims 1, 8 and 20."

The Examiner maintains Ohnishi discloses a shock-absorbing member disposed on a main body of electronic equipment (i.e. disk drive) [col. 15, lines 43-49], and comprising a shock absorbing base part 432 and a shock-absorbing flexible part 431, wherein the shock-absorbing base part has a thickness smaller than that of the shock-absorbing flexible part, and the shock-absorbing base part buckles (i.e., deforms in a horizontal direction, which results in the shock absorbing base part to buckle) so as to absorb a shock when receiving an impact [Figure 9; col. 6, lines 64-67 and col. 15, lines 50-60]. Figure 9 shows the shock-absorbing base part has a thickness smaller than that of the shock-absorbing flexible part. When subjected to compressive loading, i.e., shock/impact, the shock absorbing member of Yamamura and Ohnishi will absorb a shock when receiving an impact and the shock-absorbing base part will buckle as demonstrated in annotated Figure 8.

MPEP § 2125 clearly states "Drawings and pictures can anticipate claims if they clearly show the structure which is claimed. *In re Mraz*, 455 F.2d 1069, 173 USPQ 25 (CCPA 1972). However, the picture must show all the claimed structural features and how they are put together.

Jockmus v. Leviton, 28 F.2d 812 (2d Cir. 1928). The origin of the drawing is immaterial. For instance, drawings in a design patent can anticipate or make obvious the claimed invention as can drawings in utility patents. When the reference is a utility patent, it does not matter that the feature shown is unintended or unexplained in the specification. The drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art. *In re Aslanian*, 590 F.2d 911, 200 USPQ 500 (CCPA 1979). See MPEP § 2121.04 for more information on prior art drawings as 'enabled disclosures.'

Therefore, the rejection of independent claims 1, 8 and 20 and the respective dependent claims that follow is upheld.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-4: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher R. Magee
Patent Examiner
Art Unit 2627

July 6, 2007
crm

ANGEL CASTRO
PRIMARY EXAMINER